REMARKS

The present amendment is in response to the Office Action dated April 15, 2005. Claims 1-27 are now present in this case. Claim 13 is amended to correct a minor typographical error.

Claims 1-12 and 19-20 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,154,778 to Koistinen et al. The applicants respectfully traverse this rejection and request reconsideration.

The operation of the client agent in Koistinen is clearly shown in the flow chart of Figure 11, and discussed in detail at columns 13-14. The client agent transmits a QoS specification request to a server and receives an offer set in response. The offer set is analyzed at decision 116 to determine whether minimum requirements are satisfied. If minimum requirements are satisfied, the client agent performs a statistical analysis to calculate the utility value of the various offers and, at step 124 selects a QoS specification. The selected QoS is transmitted in an offer and the connection monitored. Koistinen does not teach or suggest any process by which the client QoS parameters are adjusted in response to the QoS negotiation response from the server, as recited in claim 1. The analysis of the offer set from the server described in steps 118-124 involve an analysis of the QoS offers from the server and the projected utility of each offer to the client, but do not involve an adjustment of client QoS parameters. For this reason, among others, claim 1 is allowable over Koistinen. Dependent claims 2-4 are also allowable in view of the fact that they depend from claim 1.

Claim 5 is a method claim for a dynamic profile management. Claim 5 requires adjusting client settings based on the QoS response received from the server. Koistinen does not teach such an adjustment to the client settings based on the QoS response received from the server. For this reason, among others, claim 5 is allowable over Koistinen. Dependent claims 6-9 are also allowable in view of the fact that they depend from claim 5, and further in view of the recitation in each of those claims.

Claim 10 is directed to a method for dynamic profile management for a server. The operation of the server in Koistinen is illustrated in the flow chart of Figure 10 and described in columns 11-13. At step 84, the server agent generates a

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preliminary QoS specification and in step 86 modifies the specification to reflect resource limitations of the distributed system. (See column 12, lines 3-7.) Koistinen describes transmitting the QoS specification to the client agent (step 88), receiving an offer from the client agent (step 90), and calculating an expected utility to the server of the client agent offer (step 98). It should be noted that the server agent does not adjust any server parameters in response to the QoS request from the client received in step 90. Thus, Koistinen does not suggest the method of claim 10 in which server parameters are adjusted in response to a QoS request from a client. Accordingly, claim 10 is clearly allowable over Koistinen. Dependent claims 11 and 12 are also allowable in view of the fact that they depend from claim 10, and further in view of the recitation in each of those claims.
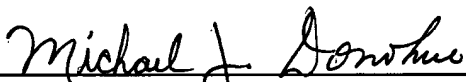
Claim 19 is directed to a quality of service architecture and includes a client QoS negotiator and a server QoS negotiator along with a generic QoS protocol accessible by both the client and server QoS negotiators. Claim 19 also includes a generic QoS application program interface (API) for configuring, monitoring, and maintaining the QoS negotiator, the server QoS negotiator, and the generic QoS protocol. Koistinen does not teach or suggest any such architecture. The portions of Koistinen recited in the Office Action at pages 2-3 describe a negotiation process between a client agent and a server agent, but do not teach or even suggest a generic QoS protocol accessible by the client and server QoS negotiators or any process for configuring, monitoring, and maintaining the client QoS negotiator, the server QoS negotiator and the generic QoS protocol. Koistinen merely describes the negotiation process but does not teach or suggest any maintenance process for the negotiators or a generic QoS protocol. Accordingly, claim 19 is clearly allowable over Koistinen. Claims 20-27 are also allowable in view of the fact that they depend from claim 19, and further in view of the recitation in each of those claims.

Claims 13-17 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Koistinen. The applicants respectfully traverse this rejection and request reconsideration. The Office Action, at page 8, cites the same sections of Koistinen as teaching each of the elements recited in claim 13 with the exception of the use of an ICMP header. This is not correct. Koistinen does not teach or suggest any means for

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storing transport QoS profile information, as required by claim 13. Indeed, the only mention of transport layers at all in Koistinen is in a brief discussion of prior art processes. The sections of Koistinen cited in the Office Action do not teach or suggest any means for storing transport QoS profile information. Accordingly, claim 13 is clearly allowable over Koistinen. Claims 14-19 are also allowable in view of the fact that they depend from claim 13, and further in view of the recitation in each of those claims.

In view of the above amendments and remarks, reconsideration of the subject application and its allowance are kindly requested. If questions remain regarding the present application, the Examiner is invited to contact the undersigned at (206) 628-7640.

Respectfully submitted,

Davis Wright Tremaine LLP

Michael J. Donohue
Michael J. Donohue
Registration No. 35,859

MJD:gatc

2600 Century Square
1501 Fourth Avenue
Seattle, Washington 98101-1688
Phone: (206) 622-3150
Fax: (206) 628-7699

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